

109TH CONGRESS }
1st Session

SENATE

{ REPORT
109-135

REVIEW OF LEGISLATIVE ACTIVITY
DURING THE 108TH CONGRESS

R E P O R T

OF THE

COMMITTEE ON RULES AND
ADMINISTRATION
UNITED STATES SENATE

DURING THE

108TH CONGRESS
(2003-2004)

PURSUANT TO PARAGRAPH 8(b) OF RULE XXVI OF THE STANDING
RULES OF THE SENATE



SEPTEMBER 8, 2005.—Ordered to be printed

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FOREWORD

This report reviewing the legislative activity during the 108th Congress of the Committee on Rules and Administration is submitted pursuant to paragraph 8(b) of Rule XXVI of the Standing Rules of the Senate. Paragraph 8 provides that standing committees of the Senate shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts thereof, the subject matter of which is within their jurisdiction, and submit to the Senate, not later than March 31 of each odd-numbered year, a report detailing the activities of that committee for the preceding Congress. The text of paragraph 8 of rule XXVI is as follows:

8. (a) In order to assist the Senate in—

(1) its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Congress, and

(2) its formulation, consideration, and enactment of such modifications of or changes in those laws, and of such additional legislation, as may be necessary or appropriate, each standing committee (except the Committees on Appropriations and the Budget), shall review and study, on a continuing basis the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the legislative jurisdiction of that committee. Such committees may carry out the required analysis, appraisal, and evaluation themselves, or by contract, or may require a Government agency to do so and furnish a report thereon to the Senate. Such committees may rely on such techniques as pilot testing, analysis of costs in comparison with benefits, or provision for evaluation after a defined period of time.

(b) In each odd-numbered year, each such committee shall submit, not later than March 31, to the Senate, a report on the activities of that committee under this paragraph during the Congress ending at noon on January 3 of such year.

TRENT LOTT, *Chairman*.

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SEPTEMBER 8, 2005.—Ordered to be printed

Mr. LOTT, from the Committee on Rules and Administration,
submitted the following

R E P O R T

[Pursuant to paragraph 8(b) of rule XXVI of the Standing Rules of the Senate]

JURISDICTION OF THE COMMITTEE ON RULES AND ADMINISTRATION

The jurisdiction of the Committee on Rules and Administration is set forth in paragraph 1(n)(1) of rule XXV of the Standing Rules of the Senate. The following are excerpts from that paragraph.

RULE XXV

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(n)(1) Committee on Rules and Administration, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Administration of the Senate Office Buildings and the Senate wing of the Capitol, including the assignment of office space.
2. Congressional organization relative to rules and procedures, and Senate rules and regulations, including floor and gallery rules.
3. Corrupt practices.
4. Credentials and qualifications of Members of the Senate, contested elections, and acceptance of incompatible offices.
5. Federal elections generally, including the election of the President, Vice President, and Members of the Congress.

6. Government Printing Office, and the printing and correction of the Congressional Record, as well as those matters provided for under rule XI.

7. Meeting of the Congress and attendance of Members.

8. Payment of money out of the contingent fund of the Senate or creating a charge upon the same (except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee).

9. Presidential succession.

10. Purchase of books and manuscripts and erection of monuments to the memory of individuals.

11. Senate Library and statuary, art, and pictures in the Capitol and Senate Office Buildings.

12. Services to the Senate, including the Senate restaurant.

13. United States Capitol and congressional office buildings, the Library of Congress, the Smithsonian Institution (and the incorporation of similar institutions), and the Botanic Gardens.

(2) Such committee shall also—

(A) make a continuing study of the organization and operation of the Congress of the United States and shall recommend improvements in such organization and operation with a view toward strengthening the Congress, simplifying its operations, improving its relationships with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution of the United States; and

(B) identify any court proceeding or action which, in the opinion of the Committee, is of vital interest to the Congress as a constitutionally established institution of the Federal Government and call such proceeding or action to the attention of the Senate.

* * * * *

COMMITTEE LEGISLATIVE ACTIVITIES

During the 108th Congress, a total of 71 legislative measures were referred to the Committee on Rules and Administration, of which 33 were reported to the Senate. The 71 measures included 37 Senate resolutions, 9 Senate and House concurrent resolutions, and 25 Senate and House bills and joint resolutions.

MEASURES REPORTED TO THE SENATE BY THE COMMITTEE

H. Con. Res. 40, to permit the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

H. Con. Res. 388, to authorize the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

S. Res. 66, to authorize expenditures by committees of the Senate for the periods March 1, 2003, through September 30, 2003, October 1, 2003 through September 30, 2004, and October 1, 2004, through February 28, 2005. S. Report 108-73.

S. Con. Res. 136, to honor and memorialize the passengers and crew of United Airlines Flight 93. Status: Referred to the House Committee on Transportation and Infrastructure.

S. Res. 27, to authorize expenditures by the Select Committee on Intelligence. Reported as a Provision of S. Res. 66.

S. Res. 35, to authorize expenditures by the Committee on Banking, Housing, and Urban Affairs. Reported as a provision of S. Res. 66.

S. Res. 36, to authorize expenditures by the Committee on Energy & Natural Resources. Reported as a provision of S. Res. 66.

S. Res. 37, to authorize expenditures by the Committee on Commerce, Science, and Transportation. Reported as a provision of S. Res. 66.

S. Res. 38, to authorize expenditures by the Special Committee on Aging. Reported as a provision of S. Res. 66.

S. Res. 39, to authorize expenditures by the Committee on Health, Education, Labor, and Pensions. Reported as a provision of S. Res. 66.

S. Res. 47, to authorize expenditures by the Committee on Agriculture, Nutrition, and Forestry. Reported as a provision of S. Res. 66.

S. Res. 50, to authorize expenditures by the Committee on Foreign Relations. Reported as a provision of S. Res. 66.

S. Res. 51, to authorize expenditures by the Committee on Governmental Affairs. Reported as a provision of S. Res. 66.

S. Res. 53, to authorize expenditures by the Committee on Veterans' Affairs. Reported as a provision of S. Res. 66.

S. Res. 55, to authorize expenditures by the Committee on Small Business and Entrepreneurship. Reported as a provision of S. Res. 66.

S. Res. 56, to authorize expenditures by the Committee on the Budget. Reported as a provision of S. Res. 66.

S. Res. 57, to authorize expenditures by the Committee on Armed Services. Reported as a provision of S. Res. 66.

S. Res. 60, to authorize expenditures by the Committee on Rules and Administration. Reported as a provision of S. Res. 66.

S. Res. 61, to authorize expenditures by the Committee in Finance. Reported as a provision of S. Res. 66.

S. Res. 64, to authorize expenditures by the Senate Committee on Indian Affairs. Reported as a provision of S. Res. 66.

S. Res. 65, to authorize expenditures by the Committee on the Judiciary. Reported as a provision of S. Res. 66.

S. Res. 138, to amend rule XXII of the Standing Rules of the Senate relating to the consideration of nominations requiring the advice and consent of the Senate. Hearing held.

S. Res. 157, to authorize the printing of the prayers of Reverend Lloyd John Ogilvie.

S. Res. 177, to direct the Senate Commission on Art to select an appropriate scene commemorating the Great Compromise of our forefathers establishing a bicameral Congress with equal representation in the United States Senate, to be placed in the Senate wing of the Capitol, and to authorize the Committees on Rules and Administration to obtain technical advice and assistance in carrying out its duties.

S. Res. 178, to prohibit Members of the Senate and other persons from removing art and historic objects from the Senate wing of the Capitol and Senate office buildings for personal use.

S. Res. 360, to express the sense of the Senate that legislative information shall be publicly available through the Internet.

S. Res. 428, to re-authorize the John Heinz Senate Fellowship Program by Unanimous Consent.

S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence.

S.J. Res. 38, for the appointment of Eli Broad as a citizen regent of the Board of Regents of the Smithsonian Institution.

S. 148, to provide for the Secretary of Homeland Security to be included in the line of Presidential succession.

S. 535, to provide Capitol-flown flags to the families of law enforcement officers and firefighters killed in the line of duty.

S. 1157, to establish within the Smithsonian Institution the National Museum of African American History and Culture, and for other purposes.

S. 2362, to authorize construction of a Smithsonian Astrophysical Observatory instrumentation support control building and associated site development on Kitt Peak, Arizona, and for other purposes.*

MEASURES APPROVED BY THE SENATE

H. Con. Res. 40, to permit the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

H. Con. Res. 388, to authorize the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

S. Con. Res. 20, to permit the Chairman of the Committee on Rules and Administration of the Senate to designate another member of the Committee to serve on the Joint Committee on Printing in place of the Chairman.*

S. Con. Res. 63, to authorize the use of the rotunda of the Capitol for the unveiling of the portrait bust of Vice President Dan Quayle on September 10, 2003.*

S. Con. Res. 93, to authorize the use of the rotunda of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies.*

S. Con. Res. 94, to establish the Joint Congressional Committee on Inaugural Ceremonies.*

S. Con. Res. 135, to authorize the printing of a commemorative document in memory of the late President of the United States, Ronald Wilson Reagan.*

S. Con. Res. 136, to honor and memorialize the passengers and crew of United Airlines Flight 93.

S. Res. 66, to authorize expenditures by committees of the Senate for the periods March 1, 2003, through September 30, 2003, October 1, 2003 through September 30, 2004, and October 1, 2004, through February 28, 2005. S. Report 108-73.

S. Res. 80, to authorize the printing of a collection of the rules of the committees of the Senate.*

S. Res. 84, to provide for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library.*

S. Res. 157, to authorize the printing of the prayers of Reverend Lloyd John Ogilvie.

S. Res. 177, to direct the Senate Commission on Art to select an appropriate scene commemorating the Great Compromise of our

forefathers establishing a bicameral Congress with equal representation in the United States Senate, to be placed in the Senate wing of the Capitol, and to authorize the Committees on Rules and Administration to obtain technical advice and assistance in carrying out its duties.

S. Res. 178, to prohibit Members of the Senate and other persons from removing art and historic objects from the Senate wing of the Capitol and Senate office buildings for personal use.

S. Res. 428, to re-authorize the John Heinz Senate Fellowship Program.

S. Res. 238, to authorize regulations relating to the use of official equipment.*

S. Res. 329, to authorize the Sergeant at Arms and Doorkeeper of the Senate to ascertain and settle claims arising out of the discovery of lethal ricin powder in the Senate Complex.*

S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence.

S. Res. 463, to authorize the printing of a revised edition of the Senate Rules and Manual.*

S.J. Res. 38, to for the appointment of Eli Broad as a citizen regent of the Board of Regents of the Smithsonian Institution.

S. 148, to provide for the Secretary of Homeland Security to be included in the line of Presidential succession.

S. 535, to provide Capitol-flown flags to the families of law enforcement officers and firefighters killed in the line of duty.

S. 1157, to establish within the Smithsonian Institution the National Museum of African American History and Culture, and for other purposes.

S. 2362, to authorize construction of a Smithsonian Astrophysical Observatory instrumentation support control building and associated site development on Kitt Peak, Arizona, and for other purposes.*

*Measures approved by the Senate without referral to the committee.

MEASURES OBIATED

S. Res. 27, to authorize expenditures by the Select Committee on Intelligence. *Obviated by the passage of S. Res. 66.*

S. Res. 35, to authorize expenditures by the Committee on Banking, Housing, and Urban Affairs. *Obviated by the passage of S. Res. 66.*

S. Res. 36, to authorize expenditures by the Committee on Energy & Natural Resources. *Obviated by the passage of S. Res. 66.*

S. Res. 37, to authorize expenditures by the Committee on Commerce, Science, and Transportation. *Obviated by the passage of S. Res. 66.*

S. Res. 38, to authorize expenditures by the Special Committee on Aging. *Obviated by the passage of S. Res. 66.*

S. Res. 39, to authorize expenditures by the Committee on Health, Education, Labor, and Pensions. *Obviated by the passage of S. Res. 66.*

S. Res. 47, to authorize expenditures by the Committee on Agriculture, Nutrition, and Forestry. *Obviated by the passage of S. Res. 66.*

S. Res. 50, to authorize expenditures by the Committee on Foreign Relations. *Obviated by the passage of S. Res. 66.*

S. Res. 51, to authorize expenditures by the Committee on Governmental Affairs. *Obviated by the passage of S. Res. 66.*

S. Res. 53, to authorize expenditures by the Committee on Veterans' Affairs. *Obviated by the passage of S. Res. 66.*

S. Res. 61, to authorize expenditures by the Committee on finance. *Obviated by the passage of S. Res. 66.*

S. Res. 64, to authorize expenditures by the Senate Committee on Indian Affairs. *Obviated by the passage of S. Res. 66.*

S. Res. 65, to authorize expenditures by the Committee on the Judiciary. *Obviated by the passage of S. Res. 66.*

S.J. Res. 12, to recognize the Dr. Samuel D. Harris National Museum of Dentistry located at 31 South Greene Street in Baltimore, Maryland, as the official national museum of dentistry in the United States. *Obviated by the passage of H.J. Res. 52, which became Public Law 108-122.*

S. 1157, to establish within the Smithsonian Institution the National Museum of African American History and Culture, and for other purposes. *Obviated by the passage of H.R. 3491, which became Public Law 108-184.*

MEASURES ENACTED INTO LAW

H.J. Res. 52, recognizing the Dr. Samuel D. Harris National Museum of Dentistry, an affiliate of the Smithsonian Institution in Baltimore, Maryland, as the official national museum of dentistry in the United States. *Public Law No: 108-122**

H.R. 3229, to amend title 44, United States Code, to transfer to the Public Printer the authority over the individuals responsible for preparing indexes of the Congressional Record, and for other purposes. *Public Law No: 108-102**

S.J. Res. 38, to for the appointment of Eli Broad as a citizen regent of the Board of Regents of the Smithsonian Institution. *Public Law No: 108-284*

*Measure approved by the Senate without referral to the committee.

COMMITTEE MEETINGS AND HEARINGS

Feb. 13, 2003—Committee Organization Meeting—to adopt the Rules of Procedure for the Committee, review the budgets submitted by the Senate Committees and receive testimony of the Honorable Richard G. Lugar, Chairman, Committee on Foreign Relations and the Honorable Joseph R. Biden, Ranking Member, Committee on Foreign Relations.

February 26, 2003—Committee Markup of S. Res. 66—to authorize expenditures by committees of the Senate for the periods March 1, 2003, through September 30, 2003, October 1, 2003 through September 30, 2004, and October 1, 2004, through February 28, 2005. Resolution agreed to in Senate February 27, 2003 by Unanimous Consent.

March 19, 2003—Hearing on Oversight—on the Operations of Secretary of the Senate and Architect of the Capitol. Testimony received from the Honorable Emily Reynolds, Secretary of the Senate, and the Honorable Alan Hantman, Architect of the Capitol.

April 8, 2003—Hearing on Oversight—on the Operations of the Sergeant at Arms, Library of Congress and Congressional Research Service. Testimony received from the Honorable William H. Pickle, Sergeant at Arms, Dr. James H. Billington, Librarian of Congress,

and Daniel P. Mulholan, Director of the Congressional Research Service.

May 20, 2003—Hearing on Oversight—on the Operations of the Smithsonian Institution and the John F. Kennedy Center for the Performing Arts. Testimony received from Michael Kaiser, President of the John F. Kennedy Center and Lawrence Small, Secretary of the Smithsonian.

June 5, 2003—Hearing on Senate Rule XXII—to review proposals to amend this rule and hear testimony from the Honorable Dr. William H. Frist, the Honorable Edward Kennedy, the Honorable Zell Miller, the Honorable John Cornyn, and Dr. John Eastman, Professor of Law, Chapman University Law School, Orange, California, Michael J. Gerhardt, Arthur B. Hanson Professor of Law, William and Mary Law School, Dean Douglas W. Kmiec, Dean and Thomas More Professor of Law at Catholic University of America.

June 17, 2003—Hearing on S. Res. 151—to require public disclosure of notices of objections (“holds”) to proceedings to motions or measures in the Senate. Testimony from the Honorable Walter J. Stewart, Secretary of the Senate Emeritus, Dr. Sarah Binder, The Brookings Institute, and George Washington University, Professor John Cooper, Johns Hopkins University, Professor C. Lawrence Evans, the College of William and Mary, Dr. Steven S. Smith, Kate M. Gregg Professor of Social Sciences and Director of the Weidenbaum Center on Economy, Government and Public Policy, Washington University, St. Louis, Missouri.

June 24, 2003—Markup of S. Res. 138, S. 148, and S. Res. 178—regarding bills to amend rule XXII of the Standing Rules of the Senate relating to the consideration of nominations requiring the advice and consent of the Senate; to prohibit Members of the Senate and other persons from removing art and historic objects from the Senate wing of the Capitol and Senate office buildings for personal use; and to provide for the Secretary of Homeland Security to be included in the line of Presidential succession.

July 9, 2003—Hearing on S. Res. 173—to review proposed changes in Rule XVI of the Standing Rules of the Senate as they relate to unauthorized appropriations. Testimony from the Honorable John McCain and Dr. Douglas Holtz-Eakin, Director of the Congressional Budget Office.

September 16, 2003—Joint Hearing, Rules and Administration Committee and Committee on the Judiciary—Ensuring the Continuity of the United States Government: The Presidency. Testimony from Professor Akhil Reed Amar, Yale Law School, New Haven, Connecticut, Dr. John C. Fortier, the American Enterprise Institute, M. Miller Baker, McDermott, Will and Emery, Professor Howard M. Wasserman, Florida International University, College of Law, Miami, Florida.

October 28, 2003—Confirmation Hearing—to confirm Presidential Nominees of the Election Assistance Commission. Testimony from Paul S. Gregorio (2 year term), Gracia M. Hillman (2 year term), Raymundo Martinez III (4 year term), and DeForest B. Soaries, Jr. (4 year term).

March 10, 2004—Hearing—to examine the Scope and Operation of Organizations registered under Section 527 of the Internal Revenue Code. Testimony from the Honorable John McCain, the Honorable Russell Feingold, Lawrence Noble, the Center for Responsive

Politics, and Edward B. Foley, Moritz College of Law, Ohio State University.

July 14, 2004—Hearing on Oversight—of the Federal Election Commission. Testimony from Bradley Smith, Chairman of the Federal Election Commission, Ellen Weintraub, Vice Chairman of the Federal Elections Commission, Trevor Potter, Esq. Caplin and Drysdale, Benjamin Ginsberg, Esq, Patton Boggs, LLP, and Robert Bauer, Esq. Chairman of Political Law Group, Perkins, Coie, LLP.

October 5, 2004—Special meeting to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence.

NOMINATIONS—FEDERAL ELECTION COMMISSION

In the 108th Congress, the Rules Committee reported out the following nominations for the Federal Election Commission: Michael E. Toner, of the District of Columbia, to be a Member of the Federal Election Commission for a term expiring April 30, 2007, and Ellen L. Weintraub, of Maryland, to be a Member of the Federal Election Commission for a term expiring April 30, 2007. Both Nominations were confirmed by the Senate on March 18, 2003.

NOMINATIONS—ELECTION ASSISTANCE COMMISSION

In the 108th Congress, the Rules Committee reported out the following nominations for the Election Assistance Commission: DeForest B. Soaries, Jr., of New Jersey, to be a Member of the Election Assistance Commission for a term of four years; Raymundo Martinez III, of Texas, to be a Member of the Election Assistance Commission for a term of four years; Gracia M. Hillman, of the District of Columbia, to be a Member of the Election Assistance Commission for a term of two years; and Paul S. DeGregorio, of Missouri, to be a Member of the Election Assistance Commission for a term of two years. Both Nominations were confirmed by the Senate on December 9, 2003.

U.S. SENATE INTERNET SERVICES USAGE REGULATIONS AND POLICIES

During the 108th Congress, the Rules Committee reviewed the 1996 U.S. Senate Internet Services Usage Rules and Regulations. The regulations were modified to reflect changes in the restriction on the use of internet services during the 60-day pre-election. These changes in Internet Services Usage Regulations and Policies were also integrated into the 60-Day pre-election Period restrictions. Changes were adopted effective October 8, 2003.

ADVANCE PAYMENT

During the 108th Congress, the Rules Committee amended the Regulations Governing Advance Payment were amended to include pre-paid cellular and telephone communications, and metro subsidy.

PUBLIC TRANSPORTATION SUBSIDY REGULATIONS

Committee regulations implementing the Tax Reform Act of 1986 authorized a tax free “de minimis fringe benefit” for employees

using public transportation. During the 108th Congress, the Rules Committee increased the benefit to \$105 consistent with the subsidy given by Federal agencies within the District of Columbia metropolitan area.

TRAVEL REGULATIONS

During the 108th Congress, the Rules Committee modified Regulations governing payments and reimbursements from the Senate contingent fund as well as from Members' office expense and personnel accounts have been amended to raise the threshold required for receipted documentation from \$35 to \$50. Regulations were adopted effective November 1, 2003.

FURNITURE REGULATIONS

During the 108th Congress, the Rules Committee modified the allowance for Senator's Special Furniture and Accessory Allowance. The Committee increased the allowance to \$5,000.00 in the amount allotted each newly elected/re-elected Senator for the purpose of furnishing a Senator's personal office, reception room, and conference room. Increase effective January 3, 2005.

SERVICE AWARDS

During the 108th Congress, the Rules Committee reviewed the 1987 regulations which authorized the issuance of a staff service pin. The Committee concluded that service pins should also be awarded to staff members who have served 20 years in the Senate and to those staff members who have served for 30 years. The regulation were adopted effective September 22, 2004.

SUITE SELECTION REGULATIONS

During the 108th Congress, the Rules Committee reviewed of the 1992 Regulations on Senatorial Suite Selection. As a result, the regulations were modified to facilitate the rapid and smooth transition of assigning Senatorial offices. Amended October 7, 2004.

DE MINIMIS USE OF SENATE EQUIPMENT

During the 108th Congress, the Rules Committee amended the Regulations Governing Assignment, Accountability, and Inventory Control of Equipment. Pursuant to S. Res. 238 (108th Congress, 1st Session), the de minimis use of official Senate resources (i.e., computers, Internet services, cellular telephones, copiers and facsimile machines and other such similar devices) is hereby permitted. Amended November 1, 2003.

PAYMENT OF FUNERAL EXPENSES OF DECEASED MEMBERS REGULATIONS

During the 108th Congress, the Rules Committee reviewed the regulations governing the payment of funeral expenses for deceased members that were authorized in accordance with Sec. 3.(a)(1) of Senate Resolution 458 (October 4, 1984). As a result of the review, the Committee modified the regulations effective November 1, 2003.

COMMITTEE PUBLICATIONS

Authorizing Expenditures By Committees of the Senate, 108th Congress, 1st session, S. Rpt. 108-73.

Authority and Rules of Senate Committees, 2003-2004, 108th Congress, 1st session, S. Doc. 108-6.

Intern Handbook, Summer 2004 edition, 108th Congress, 2nd session.

